


ORDERED.

Dated: January 15, 2016


Caryl E. Delano
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION
www.flmb.uscourts.gov**

In re:

Case No. 9:15-bk-02371-FMD

Chapter 13

Ernesto Sanchez and Alicia Sanchez

Debtors.¹

ORDER GRANTING TRUSTEE'S MOTION TO DISMISS
(THIS ORDER IS EFFECTIVE ON THE 15th DAY FOLLOWING DATE OF ENTRY)

THIS CASE came on for consideration for the purpose of the entry of an appropriate order following the entry of an Order Reserving Ruling on Trustee's Motion to Dismiss for Failure to Attend §341 Meeting of Creditors and Rescheduling §341 Meeting of Creditors entered on November 19, 2015 (Doc. No. 29). The Debtors failed to comply with the Order. Accordingly, it is

ORDERED:

1. The Trustee's Motion to Dismiss Chapter 13 Case for Debtors' Failure to Attend Section 341 Meeting of Creditors and Failure to Provide All Required Documentation as Required by Order Establishing Duties is hereby GRANTED.

¹ All references to "Debtor" include and refer to both of the Debtors in a case filed jointly by two individuals.

2. This case is DISMISSED without prejudice.
3. If the Trustee has not already collected his percentage fee, the Trustee shall deduct his normal percentage thereof as necessary costs and expenses from sums collected pursuant to 11 U.S.C. §1326(a)(2), together with any fee, charge or amount allowed under 28 U.S.C. §586(e)(2).
4. The Trustee shall return to the Debtors any remaining funds on hand not previously disbursed, notwithstanding any other court orders, and shall thereafter file his final report, upon which filing, he will be discharged of his duties as Trustee. The Trustee shall return the aforementioned funds on hand to the Debtors in care of Debtors' attorney, when represented by an attorney.
5. **The Debtors may convert this case to a case under another chapter of the Bankruptcy Code within 14 days of the date of this Order. If the case is not converted within 14 days, the case is dismissed effective on the 15th day after the date of entry of this Order.**
6. All pending hearings are canceled.

Trustee, Jon M. Waage, is directed to serve a copy of this order on interested parties who are non-CM/ECF users and file a proof of service within 3 days of entry of the order.

JMW/MEC/phl

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